IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE N.V. RAMANA**

**WRIT PETITION NO : 22710 of 2004**

Between:

Prathibha High School rep by its Secretary and Correspondent
Kamareddy, Nizamabad Dist.

**..... PETITIONER**

AND

Employees Provident Fund Organization rep by its Assistant Provident Fund Commissioner (Enforcement),
Sub-Regional Office, Nyalkal Road,
Nizamabad-503 001.

**....RESPONDENTS**

For the reasons set out in the accompanying affidavit, it is prayed that this Honourable Court may be pleased to call for the records from the respondent and issue an appropriate writ, order or direction, particularly one in the nature of writ of mandamus declaring that the order passed by the respondent in proceedings No. AP/SRO/NZB/Enf/ 7A/34138/2004 /Des/308 dated 11.6.2004 and also order in proceedings No.AP/SRO/NZB/Enf/7B-Rejection/34138/2004/674 dated 23.8.2004 rejecting the review application as illegal, unjust, contrary to law, arbitrary, in violation of principles of natural justice and violative of Articles 14, 16 and 21 of the Constitution of India, and grant all consequential benefits; and pass such other order or orders as this Honourable Court may deem fit and proper under the circumstances of the case.

**Counsel for the Petitioner: MR.A.K.JAYAPRAKASH RAO**

**Counsel for the Respondent.: Ms.Kavitha Yadav**

**The Court at the admission stage made the following:**

**ORAL ORDER:**

This writ petition is filed to declare the order dated 23.8.2004 passed by the respondent in proceedings No. AP/SRO/ NZB/Enf/7A/34138/2004/Des/308 and also the order in proceedings No.AP/SRO/NZB/Enf/7B-Rejection/34138/2004/674 dated 23.8.2004 rejecting the review application as illegal and arbitrary.

The respondent has issued a notice to conduct proceedings under Section 7-A of the Act Employees Provident Fund and Miscellaneous Provisions Act, 1952 (for short 'the Act') to the petitioner. Since the petitioner could not be present personally before the respondent, ex parte orders were passed on 11.6.2004. Aggrieved by the same, the petitioner has filed a review application. According to the petitioner, even the review application was dismissed without giving any notice or opportunity to him by orders dated 23.8.2004. Hence this writ petition.

Learned counsel for the petitioner submits that the petitioner is suffering from ill-health and therefore he could not be present personally on 11.6.2004, on which date ex parte orders were passed and consequently, a demand is made against the petitioner for a sum of Rs.88,112/-. Even the review application filed by the petitioner was dismissed by the respondent without giving any opportunity and hence he prays that the respondent be directed to consider the review application filed by the petitioner afresh after giving opportunity to him.

Heard the learned standing counsel appearing for the respondent organization.

Having heard both the counsel, without going into the merits of the case, the writ

petition is disposed of directing the petitioner to file a review petition before the respondent seeking review of the orders dated 23.8.2004. The petitioner is also directed to deposit Rs.44,000/- with the respondent within a period of two weeks from today. On such deposit being made, the respondent is directed to consider and dispose of the review application to be filed by petitioner in accordance with law. The respondent is also directed not to take any coercive steps against the petitioner for recovery of the amount for a period of two weeks from today.

The writ petition is accordingly disposed of. No costs.

_____

N.V.RAMANA,J

09.12.2004

msv.

To

1. The Assistant Provident Fund Commissioner,(Enforcement),

Employees Provident Fund Organization,
Sub-Regional Office, Nyalkal Road,
Nizamabad-503 001.

2. 2 CD copies.